IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.W.P. No.17205 of 2006
Date of decision: 15.12.2006

M/s Abhishek Tea Company Ltd., Amritsar.

-----Petitioner.

Vs.

State of Punjab and others.

-----Respondents.

CORAM:- HON'BLE MR JUSTICE ADARSH KUMAR GOEL
HON'BLE MR JUSTICE RAJESH BINDAL

Present: Mr. Avneesh Jhingan, Advocate
for the petitioner.

Ms. Urvashi Dhugga, AAG, Punjab.

ORDER:

This writ petition has been filed for directions to refund the amount of penalty, which was imposed against the petitioner, but was set-aside on appeal.

Case of the petitioner is that on 31.3.1997, penalty of Rs. 80,300/- was imposed under Section 14B(7) of the Punjab General Sales Tax Act, 1948 (for short, "the Act"), alleging attempt at evasion of tax at the Check-Post.

On appeal, this order was set-aside on 11.1.1999. Inspite of this, the amount of penalty which was deposited by the petitioner, was not refunded as required under the provisions of Section 12 of the Act. After this petition was filed, the amount has been refunded without interest. We have already examined the legal position with reference to relevant provisions in C.W.P. No.4322 of 2006 ***M/s M. Paul Babuta Engineers and Contractors*** v. ***State of Punjab and others*** and held that in such a situation, interest is payable as per statutory provisions.

In view of above, we direct respondent No.3 to pay the amount of statutory interest within one month from the date of receipt of copy of this order.

Respondents will be at liberty to recover the amount from any erring official.

(ADARSH KUMAR GOEL)
JUDGE

December 15, 2006 **(RAJESH BINDAL)**
ashwani **JUDGE**